



# CONSTITUENT ASSEMBLY OF PAKISTAN DEBATES

Wednesday, the 18th January, 1950

## OFFICIAL REPORT

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Printed and published by the Manager,  
Governor-General's Press and Publications, Pakistan, Karachi : 1950

Price : 5 Annas.

## CONSTITUENT ASSEMBLY OF PAKISTAN

*Wednesday, the 18th January, 1950*

The Constituent Assembly of Pakistan met in the Assembly Chamber, Karachi, at Half Past Ten of the Clock, Mr. President (The Honourable Mr. Tamizuddin Khan) in the Chair.

### PRESENTATION OF CREDENTIALS AND SIGNING OF THE ROLL OF MEMBERS

The following Members presented their credentials and signed their names in the Roll of Members :

1. Maulvi Fazle Husain (Bahawalpur).
2. Mr. Mumtaz Hasan Qizilbash (Khairpur).

### MAKING OF OATH OR AFFIRMATION OF ALLEGIANCE TO THE FEDERATION OF PAKISTAN

The following members took the prescribed oath or made the affirmation of allegiance to the Federation of Pakistan :

1. Maulvi Fazle Husain.
2. Mr. Mumtaz Hasan Qizilbash.

### ALTERATION OF THE SHORT TITLE OF THE GOVERNMENT OF INDIA (AMENDMENT) ACT AMENDING SECTIONS 16, 32, ETC., OF THE ACT

**Mr. President :** I have to draw the attention of the Members to a slight verbal error that has crept in our proceedings. The House will recollect that on the 6th January, 1950, when this Assembly met last two Bills relating to the amendment of the Government of India Act, 1935, were passed. The first Bill related to the change of the name of the Province of "West Punjab" to "the Punjab". The other Bill which was passed subsequently contained amendments to sections 16, 32, 42, etc., of the Act. Both the Bills, as passed bore the short title "Government of India (Amendment) Act, 1950" whereas the short title of the second Act should have been "Government of India (Second Amendment) Act, 1950." At the time the notices of the two Bills were received the office was not in a position to know which of the two Bills would be taken up first and the office, therefore, could not suggest the insertion of the word "Second" in the short title of one of the Bills. Since there are two Acts with the same short title it is likely to cause some confusion. With a view to meeting this situation it is proposed with the approval of the House to give to the Act subsequently passed the title of Government of India (Second Amendment) Act, 1950. As this alteration is purely formal and does not in any way touch the substance of the measure I hope the House will have no objection to it.

(Voices : No objection.)



MOTION *RE* AMENDMENT OF THE CONSTITUENT ASSEMBLY RULES

**The Honourable Mr. Liaquat Ali Khan** (East Bengal : Muslim) : Sir, I beg to move :

“That after sub-rule (9) of Rule 6 of the Constituent Assembly Rules the following sub-rule (10) be inserted and the subsequent sub-rules be re-numbered accordingly :—

- ‘ (10) Where the vacancy is in the office of a member of the Constituent Assembly and the Legislative Assembly of the Province which has to elect the member is not in existence, the Constituent Assembly shall co-opt a person domiciled in Pakistan and owing allegiance to Pakistan and to no other State, but the person so co-opted shall cease to be a member as soon as a member is elected by the Provincial Legislative Assembly concerned in accordance with the procedure laid down in sub-rules (1) to (9).’ ”

Sir, as the Members are aware according to the rules for election of Members from the various Provinces the Legislative Assemblies of those Provinces are the electoral colleges. At the time when the rules were framed nobody visualized that a situation might arise where there might not be a Legislative Assembly in existence. This rule is proposed to be added to the rules for election to this House to meet that situation and it is not an imaginary situation. As a matter of fact that situation does exist today because in the Punjab, as the Members are aware, there is no Legislative Assembly in existence, or has been in existence, since last January and the Members are also aware that there are vacancies from that Province which have to be filled up. Now, after careful examination and careful consideration of the whole matter, it has been found that the best method of filling up those vacancies would be by co-option by this House and they will be temporary members in the sense that as soon as the Legislative Assembly in the Punjab comes into being and as soon as it elects the Members for this House, such Members as have been co-opted by this House shall cease to be members of this Assembly.

I have given very careful consideration to this and I find that it is not really possible to think of any electoral college under the circumstances and we have thought that the best method is by means of co-option by this House. This is so because this House will in that case take the fullest responsibility for co-opting such Members as, in its opinion, represent the people of a particular Province, and as this House is the supreme body in Pakistan, I think, it is only the judgment of this House that can be regarded as fair and unbiased judgment to see that proper type of people represent the various Provinces which are not in a position to elect their representatives owing to the non-existence of a Legislative Assembly there.

I move, Sir.

**Mr. President :** The question is :

“That after sub-rule (9) of Rule 6 of the Constituent Assembly Rules the following sub-rule (10) be inserted and the subsequent sub-rules be re-numbered accordingly :—

- ‘ (10) Where the vacancy is in the office of a member of the Constituent Assembly and the Legislative Assembly of the Province which has to elect the member is not in existence, the Constituent Assembly shall co-opt a person domiciled in Pakistan and owing allegiance to Pakistan and to no other State, but the person so co-opted shall cease to be a member as soon as a member is elected by the Provincial Legislative Assembly concerned in accordance with the procedure laid down in sub-rules (1) to (9).’ ”

The motion was adopted.

MOTION *RE.* SANCTION TO THE ESTIMATED EXPENDITURE 65  
OF THE ASSEMBLY FOR THE YEAR 1950-51

**Dr. Mahmud Husain** (East Bengal : Muslim) : Sir, I beg to move :

"That the Assembly do accord sanction in pursuance of Rule 73 (1) of the Constituent Assembly Rules to the Estimated expenditure of the Assembly for the year 1950-51 as shown in the statement below prepared by the Finance Committee :—

*STATEMENT*

|                             | Rs.                 |
|-----------------------------|---------------------|
| Pay of Officers             | .. 2,75,000         |
| Pay of Establishment        | .. 2,35,000         |
| Allowances, Honoraria, etc. | .. 7,00,000         |
| Other charges               | 1,07,000            |
| Charges in England          | .. 20,000           |
| Total                       | .. <u>13,37,000</u> |

**Mr. President :** Motion moved :

"That the Assembly do accord sanction in pursuance of Rule 73 (1) of the Constituent Assembly Rules to the Estimated Expenditure of the Assembly for the year 1950-51 as shown in the statement below prepared by the Finance Committee :—

*STATEMENT*

|                             | Rs.                 |
|-----------------------------|---------------------|
| Pay of Officers             | .. 2,75,000         |
| Pay of Establishment        | .. 2,35,000         |
| Allowances, Honoraria, etc. | .. 7,00,000         |
| Other charges               | .. 1,07,000         |
| Charges in England          | .. 20,000           |
| Total                       | .. <u>13,37,000</u> |

**Shri Dharendra Nath Datta** (East Bengal : General) : Sir, I want to make a few observations on the budget that has been presented by Dr. Mahmud Husain. Sir, if you will look through the budget you will find a great disparity between the salaries of the highly placed officers and the lowly-paid servants, as they are called by this House. This is really extremely painful to me. For the 69 Class IV servants we have budgeted for the year Rs. 25,200 and for the Secretary alone Rs. 48,000. I know that the Secretary belongs to the old Indian Civil Service where we shall have to act with certain limitations. We shall have to change our outlook. The difference in the pay of the highly placed officers and the lowly-paid servants, as they are called, should not be more than ten times, according to my conception. The pay of the lowly-paid servants shall have to be increased; but this has not been done. The pay of the highly-placed officers shall have to be decreased if we want to stem the tide of Communism. By arms we shall not be able to stem the tide of Communism. We shall have to change our outlook completely if we are to stem the tide of Communism.

Then, Sir, with regard to Allowances, Honoraria, etc., the budget estimates for the year 1949-50 were Rs. 7,37,000, but in the Revised Estimates they were changed, because they found that that expenditure would not be incurred. So the revised estimates have come down to Rs. 5,36,000 and the actuals of the year 1948-49 have been Rs. 2,59,145. That only goes to show that really the Assembly is not sitting and the process of constitution-making has been very, very slow.

**The Honourable Mr. Liaquat Ali Khan** (East Bengal : Muslim) : That amount of Rs. 5 lakhs has been provided for the next year.



**Shri Dharendra Nath Datta :** Constitution-making should be finished immediately.

I want to make another observation. It is this that we the members of the Constitution-making Body sit and work for a very short period. Yesterday, we had an opportunity of talking with a member of the British Parliament who was enquiring as to how long we sit to work. We told him that we have been sitting for only two hours from 11 to 1 P.M. He was astonished to hear of it because in British Parliament, as you know, they have been sitting for hours.

**The Honourable Mr. Liaquat Ali Khan :** Because they talk too much.

**Shri Dharendra Nath Datta :** They sit for hours. We are really ashamed of what has been done in the course of a month. This work could have been finished in the course of ten days. Do you know how much public money may have been saved thereby? Really, Sir, we should work at least for five hours if we intend to do work. I am quite sure if we had worked for five hours, much of the public money would have been saved.

The other thing that I want to say is this. It appears that a sum of Rs. 36,000 has been provided in the budget estimates for 1950-51 for Joint Secretary (Draftsman). I do not know if the Draftsman has yet been appointed, but it seems to me that no Joint Secretary has yet been appointed, whose pay will be Rs. 3,000 per month. But the Draftsman should have been appointed earlier, so that we may go on speedily with the framing of the Constitution for our State. Sir, we are proceeding very slowly and I am quite sure that these officers have some work to do for two or three months and for the rest of the year they live in leisure. They have nothing to do. My submission before this House is that we should make up our minds to act speedily and frame the Constitution of this country speedily, so that the work may be finished and a lot of public money may be saved thereby. With these few observations what I should call.....

**The Honourable Mr. Liaquat Ali Khan :** Support the motion.

**Shri Dharendra Nath Datta :** Support or oppose the motion.

**Mr. Hamidul Huq Chowdhury (East Bengal : Muslim) :** Sir, I want to make a few comments on the budget. The first thing that strikes me is that figures below actuals of 1948-49, Budget Estimates for 1949-50 and Revised Estimates for 1949-50 are not there. These would have shown the progressive increase under each head and that would have given us the real position as to how the sum of Rs. 1,53,381 has been provided for actuals of 1948-49 as we are providing for Rs. 2,75,000 for the year 1950-51, and under what head the total progress has occurred. This lack of information leaves us in the darkness as to what has actually been the progress in the pay of the staff. It is gratifying to find that provisions are being made for a Joint Secretary who is intended to work as Draftsman. That would ensure that the task of Constitution-making is going to be taken in hand immediately and it would be in the fitness of things that we do take in our hands that task quickly and promptly, so that before the next budget session comes in we may be able to place our Constitution before the House for final adoption. India has done it and there is no reason why we should not do it.

As regards the sessions, I agree with Mr. Datta that we are capable of sitting and should sit longer because it is not really the execution and performance of duties that are assigned to the Legislature, which, though

very important, in a Democracy the public must be kept acquainted with everything that is being done by the Government and that ensures the carrying of the country with the Government. That is why the tradition of all democratic countries has been to keep and use the forum of the legislature for the utmost publicity for the information of the constituencies and the people so that they may have always this confidence that everything that is being done for them, is above-board and there is nothing to hide or none of their interests are being overlooked. This is an essential part of the debates here. Otherwise debates are a waste of time both for the Government and the public. From that point of view longer sittings are of the utmost importance to keep the confidence of the people in the work that we are performing.

The other thing is that at present facilities for members are very inadequate. There are reasons for this. Accommodation is one of them. I should think, Sir, provision should be made now for better accommodation for members' work in the legislature while the legislature is sitting by providing for lounge rooms and sitting rooms. People from constituencies come here and see Members. It is considered to be a part of the duties of members to receive complaints from them and hear them. There should be facilities for interviews by members where they could sit and hear them when the House is sitting.

Provisions for better library facilities are being made. There is a better provision for books and this should consequently help members in the execution of the work, specially when the constitution-making is in progress.

The other thing which has been hinted at by Mr. Datta and which, to me also, has got some significance is in regard to the members of the staff who had been permanent on the cadre before partition, and are now being attached to the Constituent Assembly as such which is a temporary organisation, and they will not be entitled to the benefit of permanency which is being given to the staff attached to Foreign Departments. I would suggest that they should also get the same security and prospects of service ensured to them as is being given to staff in other Departments of Government. For that purpose my submission to you is that they should be treated as a part of the Assembly Department—the Legislative Department—and they should be temporarily shown on the list of the Constituent Assembly for the purpose of the work in connection with the constitution, without impairing their prospects and a chance of their permanency. This will remove a very serious grievance which every member has who had been attached to the Council of State previously, and attached to the Constituent Assembly as such, after partition. Therefore, Sir, I suggest that this legitimate grievance of the staff should be removed.

As regards the post of Deputy Secretary, I submit that after the appointment of a Joint Secretary, the idea of having two Deputy Secretaries, does not appear to be very reasonable.

**Moulavi Ebrahim Khan** (East Bengal : Muslim) : Sir, I rise to support the motion and I propose to say a few words by way of suggestion in this connection. I shall refer to the subject of library which has already been referred to by Mr. Hamidul Huq Chowdhury. Sir, our library of the Assembly happens, unfortunately, to be extremely small. It demands enrichment and enrichment should be effected as early as practicable. We were gratified to learn from the Chief Whip that Rs. 40,000 have been allotted for the purchase of books this year. But it has transpired that



[Moulavi Ebrahim Khan.]

no definite committee exists for the selection and purchase of books for the library. I do not think such a huge amount can be usefully spent by simply depending for the purchase of the books on the solitary Librarian who is now found in that institution. There are certain books which are of such importance as makes it necessary to purchase two, three or even ten copies so that members may have them simultaneously when required. The Librarian cannot be expected to take a decision as to the number of volumes to be purchased. I, therefore, suggest that a competent committee for suggesting and selecting books for the library should be appointed without delay and suggestions from the members of the Assembly should be obtained whenever possible.

Further, the two messes in which the members of the Assembly are accommodated at present, should be provided with two small libraries of important books of reference so that members may not always be compelled to come to the Library of the Assembly for their study. I feel this arrangement will give a great impetus to the work of the members of the Assembly and it will improve the quality of work.

Further, Sir, one Stenographer may be provided to each of the messes so that the members may be assisted by him in the preparation of documents for the use of this Assembly. I hope it will be possible for Government to act on these suggestions.

**Dr. Mahmud Husain :** Sir, my task is easy because really no serious objections have been raised with regard to the budget and the suggestions which have been put forward, I have no doubt will be considered and wherever found feasible and desirable, will be accepted.

Mr. Datta brought in the question of the salary of officers on the one hand and the lowly paid staff on the other. The position is that the pay of Class IV servants has been fixed on the basis of the recommendations of the Pay Commission. Sir, this Assembly does not exist in a vacuum. There are other offices here and there are Government servants. Surely there is some relationship between the salary which is offered here and elsewhere in Government offices for the same kind of work. Therefore, this objection really is of a very general nature and cannot be said to be applicable only to the Assembly. Briefly, I think, that steps have been taken for implementing the recommendations of the Pay Commission so far as the lowly paid staff is concerned and this has brought about a considerable improvement in their position.

Another point that was mentioned was that the Assembly sits for a short while, and we should have longer meetings and longer sessions of the Assembly, and, therefore, more money should have been provided. The position is that more money has been provided, and what has been provided, on the basis of that, this Assembly can sit practically for five to six months in the year. I think this is a sufficiently long period for serious work in connection with constitution-making and legislation.

Suggestions with regard to the Draftsman have been made that he ought to have been appointed much earlier. But, I would submit that the work of the Draftsman begins only when the broad principles of the constitution have been agreed upon. What would a Draftsman have done when there was no work for him? It is only now that we have begun to grapple with problems and settled down to frame the principles of the constitution. Once that has been, the Draftsman of the Assembly will write various clauses of the constitution on the basis of those principles which have been accepted by the House.

With regard to the suggestion that if a Joint Secretary is appointed there should not be two Deputy Secretaries, I cannot give a categorical assurance to the Honourable members, but would submit that it is a matter which is under the consideration of the Honourable President.

As regards books, money has been provided on a fairly generous scale for the library. As regards the suggestion about a Committee to look into the affairs of the library and to make suggestions for its improvement, the position is that the principle has already been accepted by the Honourable President and only the question of the personnel of the committee remains to be settled. That suggestion will also materialise very soon.

I do not think there is anything else that I need say. This budget is prepared more or less on the lines of the budgets that were placed before this House in the past years, and I commend this to the House for acceptance.

**Mr. President :** The question is :

"That the Assembly do accord sanction in pursuance of Rule 73 (1) of the Constituent Assembly Rules to the Estimated expenditure of the Assembly for the year 1950-51 as shown in the statement below prepared by the Finance Committee :—

*STATEMENT*

|                             | Rs.                   |
|-----------------------------|-----------------------|
| Pay of Officers             | .. 2,75,000           |
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| Allowances, Honoraria, etc. | .. 7,00,000           |
| Other charges               | .. 1,07,000           |
| Charges in England          | .. 20,000             |
| Total                       | .. <u>13,37,000 "</u> |

The motion was adopted.

THE GOVERNMENT OF INDIA (AMENDMENT) BILL

**The Honourable Mr. Liaquat Ali Khan** (East Bengal : Muslim) :  
Sir, I introduce the Bill further to amend the Government of India Act, 1935 (Amendment of the 5th and 6th Schedules).

Sir, I move :

"That the Bill further to amend the Government of India Act, 1935 (Amendment of the 5th and 6th Schedules) be taken into consideration."

Sir, as honourable members are aware, the Punjab Assembly was dissolved last year and it has to be considered on what basis new elections to the Assembly were to take place. A Committee was appointed by the Governor of the Punjab to go into this question, because of the fact that it was considered that the old electoral rolls were out of date for the simple reason that something like six millions of people had come into the Punjab since the establishment of Pakistan. This Committee examined witnesses, studied the situation and came to the conclusion that the best method of giving representation to everybody in that province would be to hold the next elections on the basis of adult franchise. I should like to mention here that there was universal demand in that province for adult franchise. Now, Sir, the electoral rolls are being prepared, but according to the present Act, the rolls cannot be legal because of the fact that the rolls in the past were prepared on a different franchise than what is proposed to be done in the Punjab at this moment. Therefore, it is necessary to amend the Act, so that the electoral rolls, which



[The Honourable Mr. Liaquat Ali Khan.]

are being prepared, would be legal rolls and election could be held under them. Then there are certain amendments that have to be made so that elections can be held as early as it is possible to do so. It has been proposed that there should be one seat allotted to every 100,000 of population and according to the figures that have been worked out on the basis of population in Punjab, the number of seats that the future Assembly will have, will be much larger than what is provided in the Government of India Act at present. Then, Sir, there were, under the present Act, given special representations to various interests, like Trade and Commerce, Zamindars, Tumandars, Labour and so on. It is proposed to abolish all these special seats which are provided in the Government of India Act at present, except in the case of the Punjab University. It is proposed to give one seat to the Punjab University graduates. Then there is another important change that is proposed to be made and it is with regard to the representation of Muhajarin. The Committee after examination—and I think public opinion in the Punjab is strongly in favour of this proposal that for the next election, which is sought to be held under the present constitution, special provision should be made to secure real representation to Muhajarin—has made that provision. I would refer the Honourable members to clause 2 (c) of the Bill, where it is laid down as follows :—

“In paragraph 6, the following shall be added at the end, namely, :—

‘and in the case of the Punjab the required number of seats to be reserved for Muslim refugees shall be reserved by reserving for them, for so long as elections are held under the present Constitution, one seat in each of so many of the Muslim territorial constituencies as may be prescribed.’”

I want to make this quite clear that this special arrangement, which is proposed to be made, is not on a permanent basis. It is only for this election which is going to be held or till such time as the new constitution is framed. It is felt that at this time when all these refugees are new to the place, they have been uprooted and have not yet been able to establish new roots in the province, they deserve special treatment. I am confident that by the time the next elections under the new constitution are held, they will have been absorbed in the life of the province and they themselves would not require any special treatment to be meted out to them. It is absolutely necessary at this moment that they should have adequate representation—not only should have but it should be guaranteed to them—in the Legislative Assembly of the Punjab. These are, Sir, the main features of this Bill which I have placed before the House.

The other amendments are consequential on these main principles which are proposed to be followed in the Punjab during the next election.

**Mr. President :** Motion moved :

“That the Bill further to amend the Government of India Act, 1935 (Amendment of the 5th and 6th Schedules) be taken into consideration.”

**Sardar Shaukat Hyat Khan (Punjab : Muslim) :** Sir, it is, indeed, gratifying to learn from the Prime Minister's speech that he has listened sympathetically to the voice of the people of the Punjab to give them adult franchise. It is, indeed, a happy moment that this Government, which has robbed the people of their Assembly, of their representative bodies and of their liberty, should at least become amenable to the voice of the people. It is a great step forward that the people of the

Punjab are, at least on paper, permitted to give the views of a very wide franchise. But there is only one matter which I would like to bring to the notice of the House and on which I would like some clarification. It is very well to have the constituencies on a wider franchise, but who is going to demarcate the constituencies in the Punjab? According to section 291 of the Government of India Act, these constituencies were to be demarcated by the Legislature of that province. At the moment, through the ill hand of fate, that Legislature, which was to demarcate the constituencies, is no more and section 92 of the Governor's rule has been applied to my province. I would like to know what provision the Government is making in order to demarcate the constituencies in such a way that the people who are going to be elected from that province from various constituencies have their voice in the framing of their constituencies. This is a very important point and it has not been provided for in this amendment to the Act. If the demarcation of the constituencies is left to the Governor of the province, it would be giving liberty with one hand and dropping it with the other. There should be a provision whereby some elected representatives of the people of the Punjab, who know their province, who know their districts and who know their areas, should get together and frame the constituencies from which their representatives are to be elected. All these things have got to be considered, which, I am sure, this House will not be able to judge because some of the Members of this House do not know the intricacies of the problems of my province and I think the Central Government or the Central Legislature will be unable to give a directive whereby the rights of the people of various parts of the Punjab are safeguarded. This was the reason why, when the Government of India Act was originally framed, this right was left to the Legislatures of the provinces because they knew their own jobs. I, therefore, hope that in the present case also section 92 will not be applied and the elected representatives of the districts and municipalities will get together and formulate a Delimitation Committee which will delimit the constituencies.

**Mian Muhammad Iftikharuddin** (West Punjab : Muslim) : Mr. President, Sir, I welcome the measure that Mr. Liaquat Ali Khan has put before the House today. It is, however, unfortunate that it was not considered proper by him to do so earlier. The people of Pakistan know that it is now thirteen months since the Punjab Legislative Assembly was dissolved. It is true that it takes time for Sub-Committees and Select Committees to go into these matters and submit their reports. But there are issues on which one has to work on a "war basis". The Prime Minister or his Government advised His Excellency the Governor General last year—and I feel rightly so—to dissolve the Punjab Legislative Assembly. It was a big decision. It was like giving an injection of morphia or like giving chloroform to a patient in pain prior to his operation. Unfortunately, the patient was given chloroform or the morphia injection, but the Doctor went away for a year and the patient remained unconscious all this time. People of the Punjab would have liked the Prime Minister to declare that very night, of the 23rd of January, when the Governor-General dissolved the Punjab Legislature that following the accepted principles of democracy and Islam (for which it should not have been necessary for him to appoint a Sub-Committee) that the new elections would be held on the basis of adult franchise. It took the Sub-Committee six months and it took the Prime Minister a little longer to come to that decision. That is how the patient was neglected. It is a just complaint and the result of that is obvious. A step, though rightly taken, led to so many complications merely because



[Mian Muhammad Iftikharuddin.]

it was a half-hearted step. The Prime Minister did not carry his decision to its logical conclusion with the result that by this delay he has caused a feeling of frustration and unhappiness amongst the people of my province, which I am sure, he did not mean to do.

Sir, the basic mistake was the delay, and I cannot let this opportunity go without mentioning this because such a step may be necessary in other Provinces also, and I hope that the Government will not act as they have acted in the present case.

With this warning, Sir, I pass on to my next point. Whereas it is most satisfying to note that the Prime Minister and the Government have considered it proper to hold the new election on the basis of adult franchise, I am sorry to observe that in this matter also they have gone only half way and have not implemented the basic principles of the Objectives Resolution in their entirety. The Prime Minister has told us that there will be no seats given to the landlords, the Tumandars, the labour or the peasantry.

Now, Sir, whereas I absolutely welcome his decision in not giving any seats to Tumandars or other feudal lords of the Punjab, I take serious exception to his decision not to give any protection, or not to give any seats, to Labour or to the peasantry. Sir, it may be said that the peasantry will have the right to vote and the Labour will have the right to vote and they will be free to send their representatives to the Assembly. To this there is one well-known serious objection and that is an objection of which the Objectives Resolution of our Constituent Assembly has already taken note. Sir, in the Objectives Resolution we had taken the position that whilst in the rest of the world the democracy is a sham democracy, we the people of Pakistan—the Constituent Assembly of Pakistan—will give a real democracy, which we called “Islamic democracy”. Sir, by “Islamic democracy” we meant that people will not only vote on the basis of adult franchise but that it should also be made possible for our people to vote freely without pressure and in accordance with their own conscience. I know this cannot be done until our economic system is changed and the exploitation by the landlord, the capitalist and the rest of the labour of the toiling people is ended. But that is not a question—that I can take up at this stage in this House. There is, however, another question related to representation that I can take up here and now that is that, in accordance with their population, seats should have been reserved for these people. Whereas no seats should have been reserved for the feudal lords or the capitalists there should have been seats reserved for the peasantry and the Labour. Sir, it is well known that under the present economic system the landlord exercises tremendous influence. Even though the last franchise was very limited, the peasantry and the Labour had a large number of votes; nevertheless, their actual enemies—the landlords—were returned from the rural areas and not the representatives of the peasantry because of the economic pressure of the landlords. I know, Sir, belonging as I also do to that class of landlords, what idiots—it may please the House to hear—it can send. Therefore, Sir, I suggest that it should have been made absolutely impossible for the landlord to be elected on the votes of his peasants. Some seats in proportion to their population should have been reserved only for the peasants. That little protection at least the mover of this Bill could have given even at this stage without disturbing the economic structure.

Thirdly, Sir, I think in view of the measure that the House passed this morning, this Bill, although it relates to the Punjab Legislative Assembly only, has a great bearing on the future of this House. Sir, I submit that the character of the representation of the people of the Punjab in this House can and should change after the election of the members to the provincial Legislative Assembly. Sir, is it not the wish of Mr. Liaquat Ali Khan as the mover and the champion of the Objectives Resolution to implement it in whatever form, and to whatever extent, he is able to do even before the completion of the new Constitution? If that is so, I ask him in all earnestness; should it not have been a part of the Bill that the present members of the Constituent Assembly in this House from the Punjab will cease to represent that province—will be unseated the moment the new elections are held? Sir, unfortunately the Prime Minister has now adopted the novel method of nominating members despite the already limited number of free members in this House. To say that the six new nominees will cease to be members when the new provincial House is elected is not enough. I demand that each and every member elected to this House should cease to be a member when the new elections come, and the reason is very obvious. The wishes of the people—the present day demands of the people—will be best reflected or rather will be better reflected—in the new elections when they will be voting on the basis of adult franchise and will be voting in a free country in 1950 (or is it 1951 or, is it 1952 I do not know when the Punjab elections are going to be held). We, who were elected four years ago were elected under altogether different circumstances. Sir, it is only right—it is only proper; it is only democratic—that we should have new members from the Punjab who would be more representative of the present wishes, the present needs, of the people than those who are sitting here today. Sir, in this connection I have only to remind the House that whereas the Punjab Legislative Assembly members were considered to be unfit to rule their province, most of us, who sit in this House from that province, were also members of the same Legislative Assembly.....

**Mr. President:** You are now speaking on the Resolution that has already been passed. You lost your chance; you were absent at that time. You cannot go further into this matter now.

**Mian Muhammad Iftikharuddin:** I am trying to argue that.....

**Mr. President:** Your argument is irrelevant. Therefore, do not try that way. Be relevant to the Bill now under consideration.

**Mian Muhammad Iftikharuddin:** I am saying, Sir, that this Bill would be incomplete. The democracy in the Punjab which this Bill proposes to give will be incomplete unless a few things are done on the suggestions which I have already made. The suggestion that I am making now is that the method of representation to this House from the Punjab should form a part of this Bill and the representation should not be indirect and diluted as it is today. It should be direct and democratic. The provincial constituencies which have now been made on the basis of adult franchise should be widened, and the members in the new elections should be directly elected by the people on the basis of adult franchise. The Punjab deserves this after two years or may be three, four or five years' hardship of the undemocratic Government which it has today.

Finally I repeat that I was one of those who were pleased on the dissolution of the Punjab Assembly and I will be one of those who will be extremely delighted on the dissolution of each and every Assembly

[Mian Muhammad Iftikharuddin.]

in the Pakistan and on the elections on adult franchise basis to each and every Assembly in Pakistan. I wish that the Prime Minister of Pakistan would consider it proper to do the same "justice" to Sind where Ministries have changed hands seven times and three Premiers have come and gone during the last two and a quarter years. I would welcome it if the Prime Minister would apply the same democratic principle to Sind, Frontier and Bengal and to the States, which he has applied to the Punjab. We are fortunate that our House was dissolved. I hope other Provinces will be equally fortunate and that their House will be dissolved or else, Sir, people may say that our leaders or the Government advises dissolution of one House because there the men in saddle are not to their liking and does not advise the dissolution of another House, no matter how deserving of dissolution it may be, because there the men in saddle or the men likely to be in saddle are to their liking. I am sure the Government does not want that charge to be levelled against them. Therefore, I would welcome the dissolution of each and every Assembly in Pakistan. We are fortunate that our Assembly was dissolved and we would welcome each and every Province being given the opportunity of sending representatives to the Centre and to the Provincial Assemblies, even before the promulgation of the new constitution, on that basis. What is more though I may not be permitted to say so with impunity in this House—I hope that this House will also be dissolved now so that the new constitution is drafted when it is elected on the basis of adult franchise and is representing, in the real sense, the people of Pakistan.

**Mr. Nur Ahmed** (East Bengal Muslim) : Sir, I rise to accord my whole-hearted support to the epoch-making measure which has been introduced in this House. Sir, I have described this Bill as epoch-making purposely. It introduces two momentous provisions. In this House the Objectives Resolution has been adopted in which it has been laid down that the constitution of Pakistan shall be based on the fundamental Islamic principles of equality, fraternity and justice. This Bill contains the provision which abolishes distinction between classes. This Bill abolishes the property qualifications for becoming a voter and constituencies for zamindars and for labour, etc. Now a labourer can also become a member. Islam does not recognize any class among human beings. All are God's creatures; all are equal before God. In the constitution based on Islamic principles there may not be any constituency based on class distinction. Sir, it is in keeping with the spirit of Islam that such momentous change is going to be made here after the adoption of Objectives Resolution.

Then there is another provision which I say epoch-making. It is the introduction of adult franchise. I find from Sixth Schedule to the Government of India Act that in the Punjab qualifications laid down by rules were very high especially based on property and education qualifications. Women had no independent right for vote and women were qualified with reference to the qualification of their husbands. Sir, this Bill lays down that any person whether male or female who has attained the age of 20 or 21 years will be qualified to be entered in the electoral roll of the Punjab. Even in some of the Islamic countries women have not been given any franchise. Egypt which has introduced adult franchise recently did not give the power for vote to women and only in Syria certain classes of women have been enfranchised. This is in keeping with the spirit of Islam to introduce adult franchise among the people. About 90 per cent. of women and 80 per cent. of males in our country

are illiterate. Therefore there are some misgivings in some quarters that the enfranchisement of adults will be exploited by the demagogue and best persons will not be returned. But I think our masses—masses of the Punjab—have got commonsense enough to enjoy this privilege and exercise it in a sound way. They will use their commonsense by electing the best representatives of their own. In my mind there is no misgiving about the successful working of adult franchise in the Punjab. I think the Government will be confronted with many difficulties firstly there is the question of preparation of electoral rolls on adult franchise basis. It will take some time to prepare such huge electoral rolls and to make other preparations. In any case I welcome the measure, as it is the harbinger of the coming events when, I think, in the new constitution of Pakistan the same principle will be embodied and a time will come when all the Provinces will enjoy the blessings of adult franchise.

Sir, I thank the Honourable Prime Minister, whom I call the man of destiny, for bringing this very useful measure and in taking up courage by proposing adult franchise in this House. Sir, with these few words I support the motion under consideration of the House.

**The Honourable Chaudhri Nazir Ahmad Khan** (West Punjab : Muslim) : Mr. President, Sir, I want to make a few observations on this Bill. As most of the Honourable Members of this House know, I was one of the three members of the then West Punjab Election Enquiry Committee, on the recommendations of which this Bill is based. This Election Enquiry Committee came into existence about a month after the dissolution of the Punjab Assembly, that is to say, in February, 1949. Its terms of reference were :

- (1) to determine the basis of franchise, and
- (2) to delimit the constituencies, keeping in view the special conditions prevailing in the then West Punjab so far as the interests of the Mahajereens or the refugees were concerned.

The Committee held many sittings and a questionnaire was issued so far as the first term of reference was concerned. It was widely distributed, published in all the papers and sent to all the municipal, and local boards, etc. It was the feeling in the province that adult franchise should be introduced, but before the Committee came to the conclusion as to what should be the basis of franchise for the next general election in the Punjab, it was considered necessary,—and I am sure Honourable Members will appreciate, that whatever the personal opinion of individuals, the Election Enquiry Committee was given a tremendous task,—to find out as to what was the consensus of opinion about the basis of franchise, and, therefore, this sort of questionnaire was called for.

Now, Sir, it is rather unfortunate to recall to one's mind that after this questionnaire was issued and very widely published, in the long space of two months, only 45 replies were received from the people of the West Punjab. The two Honourable Members of this august House were then in the Punjab. They did not favour the Election Enquiry Committee with their views.

**Mian Muhammad Ittikharuddin** : We had a long discussion with the Honourable Member. He even opposed adult franchise. Finally it had to be done through the Prime Minister.

**The Honourable Chaudhri Nazir Ahmad Khan** : At social functions, yes, Sir, but in reply to the questionnaire issued by the Punjab Election Enquiry Committee no reply was sent by these two Honourable Members of the Assembly.



**Mian Muhammad Iftikharuddin :** It was not necessary when you did not believe even in the adult franchise....

**Mr. President :** Do not disturb him now. You may say whatever you like by way of personal explanation after Mr. Nazir Ahmad Khan finishes his speech.

**The Honourable Chaudhri Nazir Ahmad Khan :** I shall try to ignore the personal remark of the Honourable Member.

**Mian Muhammad Iftikharuddin :** Well, then, I shall also try that.

**The Honourable Chaudhri Nazir Ahmad Khan :** That will make my speech very brief if I ignore the irrelevant portion of the speech of Mian Sahib, because then I shall have very little to discuss. But may I tell my Honourable friend here that if he has got any memory to fall back upon, he will recall to his mind that before my nomination on this Committee I gave a Press statement which was widely published throughout Pakistan that I am in favour of adult franchise.

**Mian Muhammad Iftikharuddin :** Not that I remember.

**The Honourable Chaudhri Nazir Ahmad Khan :** Now, Sir, as I was submitting, we had to wait, because the response to this questionnaire was rather poor and we thought that on the basis of 45 replies it would not be proper to formulate our recommendations. Therefore, we extended the time and approached the people stimulated public opinion on the point and then we received more than 450 replies and the reply to the first part of the terms of reference was, therefore, that the basis of franchise shall be adult franchise. Any way this was said in the interim report to the Governor of the West Punjab.

Then came the question of delimitation of constituencies and I am surprised today that my Honourable friend, Sardar Shaukat Hyat Khan, who had seen me as member of that committee for at least two scores of time—he came to me on several occasions, may be fifty times, I am not sure, and he was discussing the question of the delimitation of constituencies, particularly his own constituency,—now says : “where is the provision in the Bill to delimit the constituencies ?” The task of delimitation of the constituencies was given to the Election Enquiry Committee as a second term of reference and, therefore, we made our recommendation. Sardar Shaukat Hayat Khan went into this recommendation very carefully and agreed specially with the delimitation of his own constituency and today I am surprised to find him attacking the lack of any provision in the Bill with regard to the delimitation of constituencies.

Now, Sir, this was the reason why there was this delay which my Honourable friend Mian Iftikharuddin now points out to this House. Actually, it was no delay. Because the process was so intricate and we had to get public opinion and public opinion was not forthcoming till this day of the delimitation of constituencies. It was then that everybody was interested in our work and, therefore, after about seven months' work we made a second report to the Governor of the West Punjab and then the Governor of the Punjab published our report for public criticism and after criticism had been received, now this Bill is being moved in this House by the Honourable Leader of the House. Honourable Members will, therefore, please appreciate that there has been no delay about which there can be any complaint. Actually, this was the speediest report that one can imagine. Of course, there is an alternative, the ‘push-button’ method and I met, Sir, during my tours of the N.-W.F. Province and the West Punjab advocates of the push-button methods and listened to the very eloquent speeches of my very honourable friends

on that bench, today, I wish somebody could provide us with that magic push-button here,—Mian Iftikharuddin was saying that overnight there should have been a constitution cut and dried, readymade, so that it might have been implemented today.

**Mian Muhammad Iftikharuddin :** A declaration about adult franchise.

**The Honourable Chaudhri Nazir Ahmad Khan :** I wish, Sir, that push-button which Mian Sahib is recommending this Government to adopt would have been used at least once when he was in charge of Relief and Rehabilitation in the Punjab.

**Mian Muhammad Iftikharuddin :** Only for six weeks.

**The Honourable Chaudhri Nazir Ahmad Khan :** Six weeks only. I think, Sir, that Punjab is really not so unfortunate as Mian Sahib thinks. Thanks God he was Minister there only for six weeks !

Now, Sir, these things do entail a good deal of thought, enquiry and careful consideration. If Mian Sahib thinks that on such matters one should act first and think afterwards.....

**Mr. M. H. Gazder (Sind : Muslim) :** Just like the Sikhs.

**The Honourable Chaudhri Nazir Ahmad Khan :** .... just like Sikhs as my Honourable friend, Mr. Gazder, says, then I am afraid the Government is not prepared to accept the advice. The Government must consider very carefully all those proposals that have very wide implications and significance, and, therefore, I submit again that there was no delay in the submission of the Report of the Election Enquiry Committee, nor in the bringing of this measure today before the House.

Sir, it had been said by my Honourable friends that this is a very unsatisfactory measure. They completely ignore the very great advance being introduced by this Bill, but for certain reasons which are now obvious to every body and are well known by this time a long irrelevant rambling speech ignoring its merits has been made which brings in, as usual, all sorts of things that exist on the face of the world, conveniently ignoring the issue that is before the House.

**Mian Muhammad Iftikharuddin :** At least it brings out something.

**The Honourable Chaudhri Nazir Ahmad Khan :** I wish it did. Unfortunately I did not notice anything in my Honourable friend's speech.

It has been suggested that you have not given any representation to the labourer and the peasant. Well, this cry we have heard before.....

**Mian Muhammad Iftikharuddin :** For centuries.

**The Honourable Chaudhri Nazir Ahmad Khan :** And we have taken a note of that .....

**Mian Muhammad Iftikharuddin :** Never.

**The Honourable Chaudhri Nazir Ahmad Khan :** And we thought that Mian Sahib would one day stand up in the House and say that we had done nothing for the peasant and the labourer—and, Sir, being very much afraid of him—we did make this provision explicitly. But we did not know that Mian Sahib shall not be able to understand it. We have abolished all qualifications dependent upon property or any other consideration, and unless it may be the view of Mian Sahib that all peasants and labourers above the 21 years of age are immature as he is.

**Mian Muhammad Iftikharuddin :** Some like you are immature even after 50.

**The Honourable Chaudhri Nazir Ahmad Khan :** Here is the proposal of this Election Enquiry Committee which is incorporated in this Bill, which gives the right of voting to every peasant, every labourer. I am not referring to pseudo-peasants or pseudo-labourers who live in a palatial house, in the Civil Lines in Lahore, but to all real workers, people who are real peasants and to all labourers who are real labourers.

**Mian Muhammad Iftikharuddin :** And that is what I want.

**The Honourable Chaudhri Nazir Ahmad Khan :** Ignoring the great advance that is being introduced by this measure ; talking of things that really do not exist, will not really convince anybody. What are the recommendations ? They are most progressive and advanced. *Inshallah* that day shall never dawn in Pakistan when advancement of your conception is introduced. Pakistan is and shall be an Islamic Democracy and shall not be a democracy of your conception.

We have by these recommendations of the Election Enquiry Committee and by the principles embodied in this Bill, given the right of vote which did not exist for centuries to all peasants and all labourers without any reservation or limitation or qualification, except one that the age should be 21 or above. Therefore, I am sure Honourable members of this House will agree that that is a great step forward, and not only a step forward according to the notions of Western democracy, but also in accordance with the real principles of Islamic democracy. Because, here everybody is now equal before the eye of law. And, therefore, the fear that my learned friend, Mian Iftikharuddin, has of the Zamindars dominating the will of the peasants, really does not exist.

Unfortunately Mian Sahib has admitted himself several times that he cannot sit for two minutes and think in a coherent manner.....

**Mian Muhammad Iftikharuddin :** Yes, when you are speaking.

**The Honourable Chaudhri Nazir Ahmad Khan :** If he had sat down for a couple of minutes, he would have found that his logic cannot possibly hold water. He is a big zamindar ; he is not a peasant and a labourer. Now, according to the recommendations embodied in this Bill, he has one vote.....

**Mian Muhammad Iftikharuddin :** Under no constitution a landlord has more than one.

**The Honourable Chaudhri Nazir Ahmad Khan :** Supposing he has 500 tenants ; of those, suppose, 100 are above 21 years of age.....

(Interruptions.)

**Mr. President :** I am very sorry ; what is all this ? What has happened to you Mian Sahib ? I am sorry I cannot allow all that.

**Mian Muhammad Iftikharuddin :** Sir, he is making personal attacks.

**Mr. President :** No, no. Sit down.

**Mian Muhammad Iftikharuddin :** I want the protection of the Chair, Sir.

**Mr. President :** You must realise the dignity of the House. I would request you.....

**Mian Muhammad Iftikharuddin :** Sir, I want the protection of the Chair. I want to.....

**Mr. President :** No, no. I know what you want to do. The whole House knows it.

**The Honourable Chaudhri Nazir Ahmad Khan :** What will, in practice, be the effect of these proposals of franchise ? All those peasants and labourers who are 21 years of age will have the right of vote. It means transference of power from a few into the hands of the people, and that I submit, is the correct conception of Islamic democracy. Lest a few oppress many ; lest those who are rich may dominate the will of those who are illplaced or backward (the House will appreciate) we have provided that real power shall indeed vest in the people. Therefore all these fears of my Honourable friend, are really baseless. Because, when peasants know that a Zamindar or a particular big landlord is not behaving in accordance with their wishes, they will vote against him—they can easily outvote him. They are in a far more superior position by these recommendations, than they were before. That is really a very great step forward.

Secondly, Sir, it has not been appreciated properly—at least the trend of my learned friend's speeches.....

**Mian Muhammad Iftikharuddin :** Learned ?

**The Honourable Chaudhri Nazir Ahmad Khan :** All right ! Unlearned ! If you so please.

**Mian Muhammad Iftikharuddin :** Thank you.

**The Honourable Chaudhri Nazir Ahmad Khan :** Sir, I was referring to the advance made during this short space of time. Here all special interests have been abolished. There was a seat in the old Punjab which was known as the "Tumandar Seat" in which the number of electors was nine only, whereas in all other constituencies the electorate was of several thousands. We have abolished that seat. There were special constituencies to represent special interests of Zamindars or other vested interests—we have abolished them outright. The grouse is that you have not given special representation to the peasants and the labourers. I have been trying to explain that under the new constitution that was really not necessary because they are automatically and *ipso facto*, enfranchised. They can exercise their vote and they can have real power if they properly organise.

The other point which has also completely been ignored by my Honourable friend, is that here for the first time since many years, women are being enfranchised to an extent that they never enjoyed before.

Sir, my Honourable friend Mian Iftikharuddin has often been referring to the Objectives Resolution and Islamic Democracy, and I am sorry to note that his tone is derisive so far as the Objectives Resolution is concerned.....

**Mian Muhammad Iftikharuddin :** Not at all. It is a lie.

**The Honourable Chaudhri Nazir Ahmad Khan :** I am glad my Honourable friend has respect for the Objectives Resolution. I still suspect that whenever there is a reference to the Objectives Resolution, he derides.

**Mian Muhammad Iftikharuddin :** It is again a lie.

**The Honourable Mr. Liaquat Ali Khan :** "Lie" is an unparliamentary expression and I would request the Honourable member to withdraw that word.

**Mian Muhammad Iftikharuddin :** The allegation that the Honourable Minister is making is very serious.



**Mr. President :** That is not the question, Mian Sahib. The question is that the word you have used is unparliamentary.

**Mian Muhammad Iftikharuddin :** The Honourable Minister used that very word a week ago.....

**Mr. President :** That is not the point.

**Mian Muhammad Iftikharuddin :** The Honourable Minister has made a gross mis-statement.

**Mr. President :** Do you withdraw ?

**Mian Muhammad Iftikharuddin :** Yes, Sir. It is a gross mis-statement.

**The Honourable Chaudhri Nazir Ahmad Khan :** What has been laid down in the Objectives Resolution ? One of the things mentioned in that resolution is that Pakistan shall be a State which will be based on Islamic principles, Islamic democracy, etc. Again, we have to turn back to the consideration of the real notion of Islamic democracy. When we say that all women, who were not previously enfranchised, have and will be able to exercise the right of vote without any other limitation or qualification or hindrance, merely because they have attained a certain age, they are entitled to vote, is it not I ask this House, in accordance with the truest concept of Islamic democracy or Islamic principles ? I submit that they, my Honourable friend, are deliberately ignorant and only certain imaginary defects, which do not exist in this Bill, have been tried to be augmented. I submit, Sir, that this principle which is being introduced is a revolutionary principle and certainly it will have its repercussions—very good repercussions—in the future constitution of Pakistan, *Insha-Allah*.

Lastly, Sir, nothing has been said about one very great factor which the recommendations of the Election Enquiry Committee or this Bill is introducing. I wish my honourable friends had given some thought to the condition of 60 lakhs of uprooted brethren of ours, I mean the Muhajrin. Here in this Bill a provision has been made to protect their legitimate interests, because unfortunately we find that so far they have not been really absorbed in the provincial life and we feel that some sort of protection must be given to them, just for once. It is not going to be a precedent and the Bill says so very clearly. It is only for the next general election and as soon as the new constitution comes into existence, there will be absolutely no such thing that for future representation of Muhajrin, this precedent will be taken into account. We are trying and hope to succeed that by the time the next general election takes place all these brethren will be entirely absorbed in the life of the province.

**Sardar Shaukat Hyat Khan :** Would they be represented in this House ?

**The Honourable Chaudhri Nazir Ahmad Khan :** There again I submit that there is confusion worst confounded. May I, Sir, in all humility advise—not advise but suggest—to my honourable friend Sardar Shaukat Hyat Khan not to sit so close to Mian Iftikharuddin ; otherwise he will completely spoil himself. Sir, would this Honourable House like me to speak of Timbuktu or Honolulu, when we are talking of this Bill ?

**Sardar Shaukat Hyat Khan :** You are talking of refugees. Have you given them any representation in this House ?

**The Honourable Chaudhri Nazir Ahmad Khan :** This Bill has nothing to do with the constitution of this august House. I wish my honourable friend had read this Bill—this Bill is intended merely to provide for a machinery for the elections that are to be held in the Punjab this year, and, therefore, all other considerations are absolutely irrelevant and that is why I am not discussing all these irrelevant points ; otherwise I might be taking the time of the House for the whole day and the next day. Therefore I am discarding all these considerations. It would be appreciated that this Bill, which has been just introduced by the Honourable Prime Minister, is very progressive—I should say, a revolutionary measure and quite in accord with the concept of the Objectives Resolution. I am sure that everyone of us shall give his best support to it.

**The Honourable Mr. Liaquat Ali Khan :** Sir, I do not think that after the speech of my honourable friend, Chaudhri Nazir Ahmad Khan, I would be justified in taking the time of the House. All that I would say is—

*Ta mard-e sakhum na guftah bashad,  
Aib-o hunarash nehuftah bashad.  
So long as a man does not speak,  
His merits and demerits remain concealed.*

**Mr. President :** The question is :

““General”, in relation to a seat, means a seat other than a Muslim seat or a Pakistani Christian and Anglo-Pakistani seat’ ;”

The motion was adopted.

**Dr. Mahmud Husain (East Bengal : Muslim) :** Sir, I move :

“That in sub-clause (g) of clause 2 of the Bill, in paragraph 19, for the definition of the word ‘General’, the following be substituted :—

““General”, in relation to a seat, means a seat other than a Muslim seat or a Pakistani Christian and Anglo-Pakistani seat’ ;”

Sir, a mistake has crept into the Bill, which indicated as if Pakistani Christian and Anglo-Pakistani seats are different. Really these words refer to the same seat. Hence this amendment.

**Mr. President :** The question is :

“That in sub-clause (g) of clause 2 of the Bill, in paragraph 19, for the definition of the word ‘General’, the following be substituted :—

““General”, in relation to a seat, means a seat other than a Muslim seat or a Pakistani Christian and Anglo-Pakistani seat’ ;”

The motion was adopted.

**Mr. Akshay Kumar Das (East Bengal : General) :** Sir, I move :

“That in part (i) of sub-clause (i) of clause 2 of the Bill, for the figures and word “196 column 2” the figures and word “197 column 2” be substituted.”

Sir, I would like to have your permission to move the other amendments, which stand in my name, together, because all these amendments are connected with each other.

**Mr. President :** Yes, you may do so.

**Mr. Akshay Kumar Das :** Sir, I move :

“That in part (i) of sub-clause (i) of clause 2 of the Bill, for the figures and word “1 column 3”, the figures and word “2 column 3” be substituted.”

“That part (i) of sub-clause (i) of clause 2 of the Bill, after the figures and word “1 column 3”, the figures and word “1 column 4” be inserted.”

“That in part (ii) of sub-clause (i) of clause 2 of the Bill, the figure “4” be omitted.”

Sir, these amendments are moved only to increase one general seat.

[Mr. Akshay Kumar Das.]

Sir, the Punjab, which as previously known as the West Punjab, had 12 general seats, out of which two seats were reserved for the scheduled castes. But the Bill which is now before the House has provided only one seat for the general communities. This means that the members of the scheduled castes of the Punjab under this new election will lose their seats. The Prime Minister has told the House that after the partition of India, there has been an exodus of population in the West Punjab, now known as the Punjab. I accept that statement. I also maintain that quite a number of scheduled castes have left the Punjab. My information is that in pre-partition days the population of the scheduled castes was 4 lakhs. If we maintain, for argument's sake, that the major portion of the scheduled castes have left the Punjab, even then at least 40 per cent. of their population is still in the Punjab. My information is that the present population of the scheduled castes in the Punjab is at least one lakh, if not a bit more. Thus, their present population entitles them to have one seat. But in this Bill only one seat has been provided for the general communities. Of course, scheduled castes also come under that category, but, as you know, Sir, they are politically very unconscious and economically very poor. Therefore, when only one seat has been provided for the general communities of the whole province, it will not be possible for any member of the scheduled caste to contest it.

My Honourable friend Dr. Mahmud Husain has just now moved an amendment in which he has explained the word 'general'. That amendment has been accepted. It runs thus :

“ ‘General’, in relation to a seat, means a seat other than a Muslim seat or a Pakistani Christian and Anglo-Pakistani seat.”

But there are other communities also which are included in 'general', such as, the Parsees, the Budhists and the Scheduled Castes. Sir, I have already said that the caste Hindus and Scheduled Castes, though they are numerically entitled to get one seat, have not been given that seat. But if I ask the House to reserve the seat for the scheduled castes which has been allotted to the general community, that would mean that by reserving this seat I shall be depriving the other communities of their seat, which will be undemocratic. So, what I seek to do by my amendments is to increase this number which is reserved for the general communities to two, one of which should go to the scheduled castes. This election will be held under the Government of India Act, 1935, and the expression 'general communities', knowingly or unknowingly, has got the meaning that this general seat is meant for the caste Hindus only. So, when the scheduled castes will see that one seat has been reserved for the general communities, they might understand that that seat is reserved for the caste Hindus only. So, I appeal to the House to accept my amendments in the light of the observations that I have made. Had the electorates been changed, I would not have worried myself so much. But as the election is going to be held on communal lines, I do not see any reason why the scheduled castes should be deprived of their legitimate share which they had been enjoying under the Government of India Act, of 1935. It has been said that they propose to reserve some seats for the refugee members who have come to the Punjab. I welcome this statement. Though they belong to the majority community, they have lost all their property; they have lost their money and they are not in a position to contest with the people of the province. On these grounds, I also recommend the reservation of one seat for the scheduled castes

because their position is also quite hopeless, they are economically poor, socially backward and politically unconscious. If we take away this seat from them, they will never learn the principles of democracy which an election teaches to the country.

Sir, in this connection I would like to quote some remarks which were made on the floor of the House by our beloved and most respected Leader of the House. In the Objectives Resolution it was said :

“Wherein adequate provision shall be made to safeguard the legitimate interests of minorities and backward and depressed classes.”

This principle was further explained in the learned speech which was delivered by the Leader of the House when he moved this Resolution. He said :

“Sir, there are a large number of interests for which the minorities legitimately desire protection. This protection the Resolution seeks to provide. The backward and depressed classes are our special charge. We are fully conscious of the fact that they do not find themselves in their present plight for any fault of their own. It is also true that we are not responsible by any means for their present position.”

I quite agree with the Leader of the House that the present position of the scheduled castes is not due to any action of the majority community of Pakistan. But I must say this that if we now accept the Bill as it is, the meaning of the sentence becomes otherwise. He further goes on to say :

“But now that they are our citizens, it will be our special effort to bring them up to the level of other citizens, so that they may bear the responsibilities imposed by their being citizens, of a free and progressive State, and share them with others who have been more fortunate than themselves. We know that so long as any sections amongst our people are backward, they will be a drag upon society and, therefore, for the purpose of building up our State we must necessarily look to the interests of these sections.”

Sir, this principle has got the highest appreciation from the Scheduled Castes people.

I like, Sir, to say a few sentences which our beloved Quaid-i-Azam spoke about the Scheduled Castes people. When our late beloved Quaid-i-Azam went to Dacca the Scheduled Castes people waited on him in a deputation and on this occasion he made these observations, which I would like to place before the House. These are the observations :—

“We stand by our declarations that members of every community will be treated as citizens of Pakistan with equal rights and privileges and obligations and that the minorities will be safeguarded and protected.

I assure you of our goodwill and solicitude for the welfare of the scheduled castes in particular, as you, having been downtrodden for centuries, deserve more help than any other community. I have always advocated your cause and I shall continue to do so.”

In reciting these observations, I appeal to the House and to the Leader of the House to accept my amendment. This amendment does not cause any unbalance in the position of the House. Only one seat out of 196 is like a drop in an ocean. It will not upset the position of any community or any interest which we are going to have in the Punjab, On this amendment, Sir, the position is very delicate. I do not like to trouble this House by calling upon it to register its vote or opinion on my amendment. It is such a small matter but of far-reaching consequences.

So, Sir, with these observations I commend my amendments for the acceptance of this Honourable House.



**Mr. President :** Amendments moved :

"That in part (i) of sub-clause (i) of clause 2 of the Bill, for the figures and word "196 column 2" the figures and word "197 column 2" be substituted."

"That in part (i) of sub-clause (i) of clause 2 of the Bill, for the figures and word "1 column 3", the figures and word "2 column 3" be substituted."

"That in part (i) of sub-clause (i) of clause 2 of the Bill, after the figures and word "1 column 3", the figures and word "1 column 4" be inserted."

"That in part (ii) of sub-clause (i) of clause 2 of the Bill, the figure "4" be omitted."

**Mr. Birat Chandra Mandal** (East Bengal : General) : Mr. President, Sir, my friend, Mr. Akshay Kumar Das, has moved an amendment appealing to the House through you. I support his amendment because this is a case of sympathy for the poor Scheduled Castes in the West Punjab. By exodus, a large number of Hindus have left West Punjab ; only very few Caste Hindus and a large number of Scheduled Castes are there. There are other communities described as "General" communities and if there can be only one seat for all those communities then the poor Scheduled Castes will have none. This is not a supposition but the ultimate result which we have been observing for the last thirty years in our political life : that when there is a seat intended for the "General" community the poor Scheduled Castes cannot make any competition and cannot be successful in capturing it. So, Sir, I appeal to the Prime Minister, through you, that he should give special consideration to the poor Scheduled Castes. Let there be two seats reserved for the "General" community and one of the seats could be reserved for the Scheduled Castes. Unless this is done the poor Scheduled Castes will have no seat at all, although there will be a large number of Scheduled Castes living in the West Punjab. Unfortunately, we have got no representative from the West Punjab to speak on behalf of the Scheduled Castes or the "General" community of West Punjab in this House. I am a Bengali but I feel for the poor Scheduled Castes in the West Punjab and I appeal to the Honourable the Prime Minister, through you, Sir, that special consideration should be shown for the unfortunate, helpless Scheduled Castes people. In the past we have found that there is justice. Not only our beloved Quaid-i-Azam but the Honourable the Prime Minister and the other Ministers have also most sympathetically dealt with matters relating to the Scheduled Castes ; so I do believe that this House will do justice to the cause of the Scheduled Castes by accepting the amendment moved by my Honourable friend, Mr. Akshay Kumar Das.

**Shri Dharendra Nath Datta** (East Bengal : General) : I feel I owe a duty to this House to speak on this amendment and to support it. I know, Sir, I can tell the House that I do not feel any justification for a separate electorate. I am very glad that a measure like this, adopting the principles of adult franchise, has been put forward. I would have been very glad, Sir, if there had been a joint electorate without reservation of seats, and, I feel that there cannot be any reservation of seats on the ground of any religion. There can be a reservation of seats, Sir, on the ground of general backwardness and on that view of the matter I rise to support the motions that have been moved by my Honourable friend, Mr. Akshay Kumar Das. Sir, in the few observations that have been made by my friend, he has told the House that he would not have claimed any reservation of seats if there had been a joint electorate maintaining a general electoral roll. Sir, I would have welcomed the measure more if the joint electorate had been adopted but I know, Sir,

that in the circumstances that we are in there can be a reservation of seats on the ground of general backwardness. You know, Sir, that the Scheduled Caste Hindus are backward economically and socially—they are backward in all respects—and they claim one seat on the ground of general backwardness. I do not know the number of people to be included in the roll but if the number be more than a lakh I think two seats ought to have been reserved for them and one seat given to them. I would have been glad if the voting franchise had been given to all and if all the seats had been reserved for the Scheduled Castes, because I do not want any reservation on the ground of religion: there can be a reservation on the ground of backwardness only. I would have welcomed if the Bill had suggested a joint electorate, maintaining one general electoral roll with reservation on the ground of backwardness. In that point of view, Sir, I support the motion that has been moved by my Honourable friend, Mr. Akshay Kumar Das.

**The Honourable Mr. Liaquat Ali Khan** (East Bengal : Muslim) : Sir, I am afraid this amendment and most of what has been stated by the Honourable Members in support of this amendment is based on misconception and mis-information. This seat, in fact the provision of this seat, means provision for representation of Scheduled Castes in the Punjab Assembly. I would like to point out to the Honourable Members that whereas in the case of other communities one seat has been fixed for every one lakh of population, in the case of this one general seat the provision has been made when the total population of those people who will be included under this head is not more than 60,000. Here again, I would like to point out that something like 60,000 is the population—may be a few hundreds less or a few hundred more—of Scheduled Castes in the Punjab, the others who are to be included under this head, their total population is not more than a few hundreds. Under this head will be included the Caste Hindus—their population I understand is only about 200 to 300—Parsis, whose population I am told is only three or four dozen; I am not aware whether there are any Budhists but if they are there, well they will not be more than half a dozen or may be even less. So, therefore, in fact it means that this seat is practically reserved for Scheduled Castes of the Punjab. I want also to point out to the Honourable Members, and I am indeed glad that they have reminded us of the noble words of our Quaid-i-Azam, that when we were considering this matter whether any seat should be allowed to a population of 60,000 or not, I had before me the assurances that had been given to the Minorities and especially to the Scheduled Castes by our Quaid-i-Azam. In spite of the fact that the population is very much below the figure of one lakh we decided that “No we should provide one seat” so that they may have representation in the Punjab Assembly and I want to tell my Honourable friends on the other side that they will always find that in Pakistan they will always have a fair deal, a just deal, nay even a generous deal.

**Mr. President :** The question is :

“That in part (i) of sub-clause (i) of clause 2 of the Bill, for the figures and word ‘196 column 2’ the figures and word ‘2 column 2’ be substituted.”

The motion was negatived.

**Mr. President :** The other amendments fall through and need not be put to the House. The question is :

“That clause 2, as amended, stand part of the Bill.”

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 3 was added to the Bill.

**Dr. Mahmud Husain :** Sir, I beg to move :

“That in clause 1 of the Bill the existing clause be renumbered as sub-clause (1) and the following new sub-clause be added, namely :—

‘(2) It shall come into force at once.’”

**Mr. President :** The question is :

“That in clause 1 of the Bill the existing clause be renumbered as sub-clause (1) and the following new sub-clause be added, namely :—

‘(2) It shall come into force at once.’”

The motion was adopted.

Clause 1, as amended, was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Mr. Liaquat Ali Khan :** Sir, I beg to move :

“That the Bill, as amended, be passed.”

**Mr. President :** The question is :

“That the Bill, as amended, be passed.”

The motion was adopted.

**Mr. President :** The House stands adjourned *sine die*.

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The Assembly then adjourned *sine die*.